

600 KAR 5:010. Transportation of nonpublic school students.

RELATES TO: KRS 158.115, 1998 Ky. Acts ch. 615, Part I, subpart 87,d.

STATUTORY AUTHORITY: 1998 Ky. Acts ch. 615, Part I, subpart 87,d.

NECESSITY, FUNCTION, AND CONFORMITY: In 1998 Ky. Acts ch. 615, Part I, subpart 87,d., funds were appropriated for nonpublic school transportation for each fiscal year. This administrative regulation establishes conditions and procedures for the reimbursement to fiscal courts of financial support for the transportation of nonpublic school students.

Section 1. Application for Funds. (1) A fiscal court that provided financial support for the transportation of nonpublic school students in a school year pursuant to the provisions of KRS 158.115 may apply to the Transportation Cabinet for reimbursement of that financial support.

(2) By May 1 of a school year for which a fiscal court has authorized the expenditure of county funds pursuant to KRS 158.115, the fiscal court shall in writing notify the Transportation Cabinet, Office of the Secretary of its intention to apply for reimbursement. The notification shall include:

(a) The name of the person in the county who will serve as liaison on the application;

(b) A resolution from the fiscal court stating that the county provided funds in the school year for the transportation of nonpublic school students;

(c) A detailed statement of the method by which the funds were made available for the transportation of the nonpublic school students;

(d)1. A copy of each contract the fiscal court entered into to provide the transportation services; or

2. If the fiscal court does not contract for the provision of transportation services with a bus company or a board of education, a copy of the legal notice requesting applications for supplementary funds from providers of transportation of nonpublic school students; and

(e) An estimate of the total amount of funds to be provided.

(3) The final application to the Transportation Cabinet shall:

(a) Be received by the Office of the Secretary by June 30 of the applicable school year;

(b) Include the amount of funds provided by the county for the transportation of nonpublic school students; and

(c) Include proof of payment of the amount requested for reimbursement; and

(d) Include a copy of each application or invoice for payment and the supporting documentation from the transportation provider.

(4)(a) The Transportation Cabinet shall:

1. Evaluate the applications received for compliance with the requirements established by this section; and

2. Divide the funds available in each fiscal year between applicants who comply with the requirements established by this section as provided by paragraphs (b) and (c) of this subsection.

(b) If the application amounts spent by the counties equal or total less than the amount appropriated by the General Assembly for that school year, the Transportation Cabinet shall authorize payment for each requested reimbursement amount.

(c) If the application amounts spent by the counties exceed the amount, the Transportation Cabinet shall prorate the amount appropriated by the General Assembly among the applicants as provided by Section 2 of this administrative regulation.

Section 2. Proration of Appropriated Funds. Funds shall be prorated, as required in Section 1(4)(c) of this administrative regulation, in the following method:

(1) The cabinet shall obtain the most recent figures at the time the application is received, and determine the total number of:

(a) Public school students transported; and

(b) Nonpublic school students who are eligible for transportation.

(2) The number of nonpublic school students in subsection (1) of this section, shall not include a student who:

(a) Attends a:

1. School on a military reservation; or
2. School that is fully federally funded; or

(b) Is taught at home.

(3) The cabinet shall determine the:

(a) State-wide average for the annual cost of the transportation of an individual student; and

(b) Amount of local funds expended or budgeted for the transportation of nonpublic school students.

(4) The maximum amount for which a county shall be eligible to apply shall be the lesser of the following:

(a) The sum of the total number of students established pursuant to subsections (1) and (2) of this section, multiplied by the sum established in subsection (3)(a) of this section; or

(b) The total funds actually expended by the county for transportation of nonpublic school students during the applicable school year.

(5) If it is necessary to prorate the appropriation for a specific fiscal year, the funds for each eligible applicant county shall be the sum of the funds appropriated by the General Assembly for that school year, multiplied by the county's application amount established by subsection (4) of this section, divided by the total number of eligible applications received. (21 Ky.R. 3098; Am. 22 Ky.R. 302; eff. 10-3-95; 23 Ky.R. 3411; 3819; 4115; eff. 6-2-97; 25 Ky.R. 615; 1038; eff. 11-20-98.)